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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,049	01/08/2002	Michael Wayne Brown	AUS920000718US1	4476
7590		03/06/2009	EXAMINER	
KONRAD RAYNES & VICTOR, LLP. ATTN: IBM72 315 S. BEVERLY DRIVE SUITE 210 BEVERLY HILLS, CA 90212		CHEA, PHILIP J	ART UNIT PAPER NUMBER	
		2453	NOTIFICATION DATE DELIVERY MODE	
		03/06/2009	ELECTRONIC	

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
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